

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NUR QADR (aka JEFFREY PRATT),)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:19-cv-310
)	
EMPLOYEE YOUNT, et al,)	Re: ECF No. 19
)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on October 16, 2019. It was referred to United States Magistrate Judge Maureen P. Kelly, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff filed an amended complaint, which is the operative pleading. ECF No. 11. Defendants filed a motion to dismiss. ECF No. 19. Plaintiff opposed the motion. ECF No. 30.

On April 19, 2021, Magistrate Judge Kelly issued a Report and Recommendation recommending that the motion to dismiss be granted in part and denied in part. ECF No. 37. Objections to the Report and Recommendation were due by May 6, 2021. None have been filed.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:


AND NOW, this 19th day of May 2021;

IT IS ORDERED that the motion to dismiss [ECF No. 19] is granted in part and denied in part. The motion is granted to the extent that Plaintiff's claims under the Fourth, Fifth, and

Fourteenth Amendments, as well as his claims of retaliation and conspiracy, should be dismissed. The motion to dismiss is denied as to Plaintiff's First Amendment free exercise claim.

IT IS FURTHER ORDERED that Plaintiff may amend his complaint to allege a claim under the Religious Land Use and Institutionalized Persons Act. The amended complaint must be filed with twenty days of today's date.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Kelly, issued on April 19, 2021 [ECF No. 37] is adopted as the opinion of the court.


~~/s/ Susan Paradise Baxter~~
SUSAN PARADISE BAXTER
United States District Judge